

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL W. PIERCE, et al.,)	CASE NO. 1:13 CV 2001
)	
Petitioners,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
CITY OF BROOKLYN, OHIO, POLICE DEPARTMENT, et al.,)	<u>MEMORANDUM OPINION</u>
)	
Respondents/ Third-Party Plaintiffs,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Third-Party Defendant.)	

This matter is before the Court on the Motion to Dismiss (Docket #20) filed by Third-Party Defendant, United States of America.

The currency that Petitioners seek to recover in this case is the subject of a Federal civil forfeiture action, *United States v. \$76,857.00 In U.S. Currency*, Northern District of Ohio, Case No. 1:13 CV 1523, pending before this Court. The civil forfeiture action is stayed pursuant to 18 U.S.C. § 981(g), pending resolution of the related Federal criminal case, *United States v.*

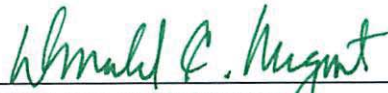
Bridgette Day, Northern District of Ohio, Case No. 1:13 CR 427, in which Petitioners have been indicted.¹

Petitioners have failed to demonstrate that the Federal civil forfeiture action will provide an inadequate legal remedy and it is of no consequence that the civil forfeiture action was filed after Petitioners' initial Complaint in the Cuyahoga County Court of Common Pleas. \$8,050.00 in U.S. Currency v. United States, 307 F. Supp. 2d 922, 927 (N.D. Ohio 2004). Petitioners do not dispute that civil forfeiture proceedings have been instituted, nor do they argue that they did not receive notice of said proceedings. Petitioners filed Verified Claims for the currency and Answers to the Complaint in the civil forfeiture action. (In re: \$76,857 in U.S. Currency, Docket #s 5, 6, 10, 12, 17, 18, 19 and 20.) Accordingly, this case must be dismissed.

Conclusion

The Motion to Dismiss filed by the United States (Docket #20) is hereby GRANTED.
This case is hereby TERMINATED.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: January 27, 2014

¹The indictment in Case No. 1:13 CR 427 contains a criminal forfeiture count.